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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
5 **OF THE STATE OF WASHINGTON**

6 IN RE COMPLIANCE  
7 WITH RCW 42.17

8 JOHN POTTER

9 Respondent.  
10 \_\_\_\_\_

) PDC CASE NO.: 03-128  
)  
)

) FINDINGS OF FACT AND  
) ORDER  
)  
)

11 **INTRODUCTION**

12 The Washington State Public Disclosure Commission (Commission) conducted an  
13 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on  
14 January 28, 2003, with respect to the above-captioned matter. The Commission  
15 convened the hearing at the Evergreen Plaza Building, Room 206, 711 Capitol Way South,  
16 in Olympia, Washington. The Respondent appeared at the hearing by telephone. The Staff  
17 appeared through Philip E. Stutzman, Director of Compliance. The Commission held the  
18 hearing to determine whether the Respondent violated RCW 42.17.080 and 42.17.090 by  
19 failing to timely file the report of contributions and expenditures (PDC form C-4) that was  
20 due seven days before the 2002 general election, by October 29, 2002.  
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22 **FINDINGS**

23 Based on the record submitted in this matter, the Commission finds as follows:  
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- 25 1. The Respondent was a candidate for State Representative in Legislative District 11  
26 in the 2002 general election.

2. The Respondent failed to file the 7 day pre-general election C-4 report by October 29, 2002.

3. The Respondent chose the full reporting option on the C-1 Candidate Registration form he filed on August 16, 2002, although he accepted no contributions from any source other than himself, and made no expenditures other than the filing fee for his office.

4. The Respondent qualified for the Mini Reporting option.

5. At Brief Enforcement hearings held on December 11, 2002, respondents who had not timely filed the 7 day pre-general election C-4 report, but who qualified for the Mini Reporting option based on their contributions and expenditures, were not found in violation of RCW 42.17.

## ORDER

Based upon the above findings, the Commission orders as follows:

- 1. That the Respondent did not violate RCW 42.17.080 or 42.17.090; and**
- 2. That Case No. 03-128 is dismissed.**

## RECONSIDERATION

Any party may ask the Commission to reconsider this final order. Parties must place their requests for reconsideration in writing, include the specific grounds or reasons for the request, and deliver the request to the Public Disclosure Commission Office within TEN (10) days of the date that the Commission serves this order upon the party. Pursuant to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) days from the date the petition is filed, the Commission does not either dispose of the petition or serve the parties with written notice

1 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the  
2 Respondent is not required to ask the Public Disclosure Commission to reconsider the final  
3 order before seeking judicial review by a superior court.  
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#### 5 **APPEAL RIGHTS**

6 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure  
7 Commission is subject to judicial review under the Administrative Procedure Act, chapter  
8 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed  
9 with the superior court in Thurston County or the petitioner's county of residence or  
10 principal place of business. The petition for judicial review must be filed with the superior  
11 court and served on the Public Disclosure Commission and any other parties within 30 days  
12 of the date that the Public Disclosure Commission serves this final order on the parties.  
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14 If reconsideration is properly sought, the petition for judicial review must be served  
15 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
16 Commission acts on the petition for reconsideration.

17 DATED THIS 6<sup>th</sup> day of February, 2003.

18  
19 FOR THE COMMISSION:

20 /s/

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22 VICKI RIPPIE, Executive Director  
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